

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WARREN MCCOWAN

Plaintiff,

v.

No. 17-cv-00902-CG-GJF

THE CITY OF LAS CRUCES, NEW MEXICO
A/K/A LAS CRUCES POLICE DEPARTMENT
and MARK MORALES

Defendants.

PLAINTIFF'S ANSWERS TO DEFENDANTS INTERROGATORIES

COMES NOW **WARREN MCCOWAN**, Plaintiff in the above entitled and numbered cause and files this his Answers to Interrogatories as propounded to him by Defendants, in numerical order as follows:

INTERROGATORY NO. 1: Please state your full name, address, date and place of birth, present marital status, name(s) of previous and present spouse(s), if any, and names and ages of children, and describe your educational background (identifying each school attended, the inclusive dates of your attendance and the level completed at each school, and any degree or certification awarded).

ANSWER:

Warren McCowan
609 Mimbres St.
Las Cruces, NM 88001
DOB:01/22/1973, Holloman AFB
Married to Juliet Casados
Previous Spouse: Esmeralda Cardiel
Son -Anthony Holguin, age 26
Son- Warren Ned McCowan, age 25
Son- Darron Lowell McCowan, age 16

I attended New Mexico State University from 2013-2014, I did not obtain a degree.

INTERROGATORY NO. 2: Please state the name of each employer you have had for the five (5) years preceding this incident to the present (i.e., August 2010 through the present time), address of each such employer, inclusive dates of employment, your job title and duties, your rate of pay,

ANSWER: Discovery is ongoing will supplement.

INTERROGATORY NO. 20: Within a period of ten (10) years prior to the incident that is the subject of this lawsuit (encompassing the time period from August 21, 2005 through August 21, 2015), if you were afflicted, suffered from or were treated for any medical condition (including any psychological or mental health condition), injury, disease, trauma, disfigurement, handicap or other impairment, including any prior existing injury or impairment, please give a full and complete description of each such condition, including its nature, extent, duration and severity; the nature of the medical treatment rendered and the names and addresses of treating providers; and your medical history as it relates in any way to such condition.

ANSWER: Approximately in 2001 I had a surgery on my shoulder. I fell from scaffolding while at work. My surgery was done at Memorial Medical Center; 2450 S Telshor Blvd, Las Cruces, NM 88011. In 2012 I injured my neck. I started with a stiff neck pain, it gradually got worse. I was treated at the Mayo Clinic; 5701 E Mayo Blvd; Mayo Clinic 13400 E Shea Blvd. Scottsdale, AZ 85259. Approximately in April 2017, on Foothills Rd, in Las Cruces, NM, I was involved in a head on car accident. I had lower back pain and treated with Dr. Marroney, a Chiropractor in Las Cruces, NM.

INTERROGATORY NO. 21: Please describe in detail and with specificity all injuries, conditions or symptoms which you claim were caused by or resulted from the actions of Officer Morales or any other LCPD officer/employee in relation to this incident. As part of your answer, please describe in detail and with specificity the nature of the “significant physical injuries”, “disfigurement”, and “impairment” you claim in Paragraph 75 of your Complaint. Please also describe any psychological injuries/trauma or mental health treatment you are claiming as a result of this incident.

ANSWER: I received injuries to my lower neck and both my shoulders.

INTERROGATORY NO. 22: In Paragraphs 23 and 75 of your Complaint, you allege that you “continue[] to suffer significant physical injuries and emotional distress, pain, fear and anxiety” and claim “future medical bills.” Please describe in detail and with specificity any injury, condition or symptoms for which you claim to still be treating; your understanding of the anticipated future course of treatment indicated by the treatment provider and projected costs associated with such future treatment; and your understanding of the prognosis given by the treatment provider.

ANSWER: At this time, I am no longer treating for my shoulders. I was told I would be a good candidate for neck surgery. I am unsure of the cost of such surgery.

INTERROGATORY NO. 23: Please state your total annual income for each year from 2012 through 2017 (i.e., for 2012, 2013, 2014, 2015, 2016, and 2017), including income from any source.

ANSWER: I was self employed in 2012 as a general contractor, I was making approximately \$50,000 a year. After that I have not been employed.

INTERROGATORY NO. 24: Please list all social media/social-networking websites or services (including, but not limited to, such social media as Facebook, Twitter, YouTube, Tumblr, Instagram or Snapchat) for which you have created a profile or account, or on which you have made any posting which refers to, relates to, or is associated in any way with the incident(s) which make up the subject matter of this lawsuit, claims raised in your Complaint or the damages and relief you are claiming/requesting in this lawsuit. Also, please provide the screen names or other identities used by you on any social media herein identified, and any screen name or other identity otherwise utilized by you for social networking purposes.

ANSWER: Facebook: W. Neal McCowan
Instagram: username unrecalled.

INTERROGATORY NO. 25: Please state whether you have applied for disability benefits at any time, and if so, please state when, and describe the medical condition(s) for which you applied and results of any such application

ANSWER: In 2013 I applied for Social Security Disability Benefits I was denied. I went back to fight that decision in January and I am still pending status.

Respectfully submitted,

FLORES, TAWNEY & ACOSTA P.C.

/s/ James D. Tawney
JAMES D. TAWNEY
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Las Cruces, NM 88001
(575)222-1000 - Phone
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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of August, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification to the following as well as all others on the CM/ECF service list:

Cody R. Rogers
Jarmie & Associates
PO Box 344
500 North Church Street
Las Cruces, NM 88004
(575) 526-3338
crogers@jarmielaw.com
Attorney for Defendants City of Las Cruces and Mark Morales

/s/ James D. Tawney
JAMES D. TAWNEY

VERIFICATION

STATE OF NEW MEXICO)

COUNTY OF DONA ANA)

WARREN MCCOWAN, being first duly sworn on oath, states that he has read the foregoing Answers to Interrogatories propounded on him by

Jody R. Rogers
Jarmie & Associates
PO BOX 344
500 NORTH CHURCH ST.
LOS CRUCES, N.M. 88004

that Plaintiff's Responses were true and correct at the time they were given, prepared with the assistance of employees and agents of **FLORES, TAWNEY & ACOSTA, P.C.**, including the advice of counsel, upon whose advice Plaintiff had relied; that said Responses, subject to inadvertent or undiscovered errors, are based on and, therefore, limited by records and information still in existence, presently recollected and thus far discovered in the course of the preparation of these Responses; that, consequently, Respondent reserves the right to make changes in the Responses if it appears at any time that omissions or errors have been made therein or that more accurate information is available; and, that subject to the limitation set forth herein, the said Responses are true and correct to the best of his knowledge, information and belief.

Warren McCowan

WARREN MCCOWAN

20 18 SUBSCRIBED AND SWORN TO BEFORE ME, on this 31st day of July,

Viviana Corrales

Notary Public in and for the
State of Texas

My commission expires:

12/2019

